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PROTECTION OF MINORITIES

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SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 August 1997, at 10 a.m.

Chairman: Mr. BENGOA

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

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The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued) (agenda item 2) (E/CN.4/Sub.2/1997/4, 5 and 37; E/CN.4/1998/3-E/CN.4/Sub.2/1997/35; E/CN.4/1998/4-E/CN.4/Sub.2/1997/36)

1. Mr. HOSTENSCH (Pax Romana) said that the final comments of the Human Rights Committee on the report submitted by the Colombian Government in accordance with article 40 of the International Covenant on Civil and Political Rights were devastating, drawing attention to, inter alia, the failure of the Colombian Government to implement the recommendations of the Committee, extrajudicial killings, torture, "social cleansing" of children and young offenders, official support for paramilitary groups, irregular legal practices that supported impunity, the unjustified declaration of states of emergency, overcrowded prisons and violence against street children.

2. However, against that background of serious human rights violations, there were certain standard-setting activities that deserved support, including the setting-up of the Office of the High Commissioner and of a commission to investigate involuntary disappearances, and the adoption of various legal measures to protect human rights.

3. He drew attention to the recent outbreak of violence against the peasant population in El Chocó and elsewhere. He also noted that attacks on human rights defenders continued to escalate. He gave examples of some of the 2,500 trade unionists who had been killed by paramilitaries since 1987, making Colombia the most dangerous country in the world for trade-union members according to the International Labour Organization. The Office of the High Commissioner in Colombia had confirmed in its first report that there was a campaign to wipe out human rights defenders and certain politicians, and that paramilitary groups had vowed to use violence to disrupt the electoral process planned for October 1997. The Inter-American Commission on Human Rights had also confirmed that mass political killings were intended to physically destroy the Unión Patriótica. Nevertheless, faced with the universal acknowledgement that there was a pattern of serious human rights violations in Colombia, the Colombian Government had recently passed a law which allowed it to restrict freedom of expression by means of a licensing system, controlled by the Government, for television news broadcasts.

4. He concluded by drawing attention to the most recent atrocity committed by paramilitaries, the brutal murder of 35 people in Mapiripán, in the department of Meta, and urged the Sub-Commission to take all the evidence into account when it came to evaluate the omissions in the response of the Colombian Government to the recommendations of the Human Rights Committee.

5. Mr. SAFI (World Society of Victimology) said that the people of Jammu and Kashmir continued to be the victims of extrajudicial killings, arbitrary detention, torture, involuntary disappearances and collective punishments. The ratio of one soldier to every seven inhabitants of Indian-held Kashmir was

the highest investment in oppression in the history of colonization. In order to maintain its hold on the disputed territory, India had violated every article of the Universal Declaration of Human Rights and the two international human rights covenants to which it was a party. Contrary to what some people had been led to believe, the people of Kashmir had no free choice in determining their own future, as every election since the 1950s had been rigged by the Indian authorities. It was time that talk of the violation of human rights turned to action to prevent atrocities being committed.

6. The most serious issue was that of the extrajudicial killings by the occupying forces and their paid hit-squads in Indian-held Kashmir. A recent report of the United States State Department confirmed that torture and extrajudicial killing of those who spoke out against India's State terrorism was taking place, and the non-governmental organization (NGO) Asia Watch had stated in its most recent report that State-sponsored paramilitary groups and regular security forces had committed serious human rights violations, particularly against human rights monitors and journalists. The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions had also expressed concern at reports of the deliberate killing of detainees and civilians by the Indian security forces in Kashmir.

7. The Sub-Commission could help to stop the massive human rights violations taking place in Jammu and Kashmir by sending a fact-finding mission to the area, and by calling on the Government of India to withdraw its troops from that disputed area, to allow the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the area, and to honour its pledge to hold a referendum to ascertain the wishes of the people of Jammu and Kashmir. It could also call on the Governments of India and Pakistan to enter into negotiations in good faith with the All Parties Hurriyat Conference, which represented 36 Kashmiri political parties and groups.

8. Mr. HADJAO (Movement against Racism and for Friendship among Peoples), commenting first on the human rights situation in the Mediterranean region, welcomed recent positive developments towards self-determination in Western Sahara; he said that Morocco should release Saharan prisoners, which would not only help to establish peace, but would also confirm the evolution of Morocco towards becoming a State governed by the rule of law. The often fierce persecution of Kurds continued in three main countries, with the oppressive policies of the Turkish Government, in particular, being regularly scrutinized and condemned. Cool-headed logic, with self-determination as the watchword, was needed to solve the problems in the region.

9. In Indonesia, it was not only in East Timor that human rights were flouted. Various NGOs had kept the Sub-Commission informed of equally serious human rights violations in Indonesia itself. He reminded members that at least a million people were estimated to have been killed during the change of regime in 1965-1966. He gave examples of the tens of thousands of people who had been killed since in various parts of the archipelago, including the many people massacred in July 1996 by forces from the headquarters of the Indonesian Democratic Party led by supporters of the daughter of former President Sukarno. The killings revealed a deliberate attempt to eliminate any who disagreed with those in power. In the light of that, it was not surprising that other human rights were also violated on a daily basis;

the Sub-Commission had been informed by non-governmental organizations of cases of torture and the absence of freedom of thought and freedom to organize. The former Special Rapporteur on torture, Mr. Kooijmans, had informed the Sub-Commission about the systematic use of torture in Indonesian prisons and police stations. He called on the Sub-Commission to look closely at the reports of massacres and human rights violations taking place in Indonesia, which, if confirmed, would amount to a crime against humanity.

10. Ms. KABIR (International Progress Organisation) said that the proliferation of extremist and bigoted militant organizations willing to subvert democratic and stable societies at the bidding of their masters was a new and dangerous phenomenon that threatened the human rights of innocent citizens. That new threat to peace and human rights had come to be symbolized by the Harkat al-Ansar, a group steeped in its own distorted version of Islam and sponsored by Pakistan to terrorize Kashmiri Muslims. Pakistan was trying to install the same kind of regime in Kashmir as it had established in the northern areas of Jammu and Kashmir it had annexed in 1947. Unlike the inhabitants of those areas, the inhabitants of Indian Kashmir were fully enfranchised members of a society characterized by religious tolerance. Faced with gun-wielding religious bigots who would like to drive all women indoors, deprive them of the right to work and destroy schools, the people of Jammu and Kashmir had voted their own Kashmiri party into power in 1996. Since then, not a single day had passed without the killing by the mercenaries of some political figure or member of such a person's family. The fundamentalist terrorists sent by Pakistan wished to deprive Kashmiris of freedoms they valued highly and to impose medieval values on a civilized society. If discussion on human rights was to have any meaning, the human rights community should call on Pakistan to call off its dogs of war.

11. Mr. RIDE, recalling that the Sub-Commission's efforts to identify consistent patterns of gross violations of human rights under the current agenda item were only part of the larger endeavour to move towards the goal set out in article 28 of the Universal Declaration of Human Rights of a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. Dialogue at all levels, including the contributions made by NGOs drawing the attention of the Sub-Commission to particular situations, was vital if the Sub-Commission was to have deeper discussions on the more basic issues and offer sound advice to the Commission on Human Rights and other bodies in the United Nations system.

12. Actual or apparent gross violations of human rights should not only be condemned but also seen as a problem to be solved, which might require a careful look at external factors and their impact on a particular situation. An accurate analysis of the nature of problems was vital if they were to be solved; such an analysis could be approached on various levels. The primary level was to identify the visible symptoms and to verify the facts. A comprehensive system of human rights standards already existed that addressed issues, for example, of vigilante killings, torture, terrorism, street children, child labour or extreme poverty. Thus, it was easy to point to the necessary response: better training of law enforcement officers, prosecution of those engaged in violations, measures to take care of street children, the prohibition of child labour and so on. The Sub-Commission should see itself as contributing to those endeavours. By pointing out the grave violations it

sensitized Governments to the problems; other parts of the United Nations could then provide them with advisory services and assistance to rectify the situation. However, when violations were gross and systematic, the causes were deeper. It was necessary to move to the secondary level, and to the social and cultural sources of potential or actual conflict, including religion and belief. Questions that subsequently arose included the unequal control over resources, as illustrated by the tremendous inequalities that had characterized many Latin American societies; the lack of attention, in the past, to the identity and culture of indigenous peoples and their right to maintain control over their ancestral land; the lack of recognition of the plurality of identities in most States; and the use or abuse of religions to control the lives of others.

13. It was also necessary to examine the role of politicians, and their handling of the process whereby latent conflict became manifest. As Mr. Guissé had rightly said, dictators had come to power in Africa through the use of arms and had later sought to legitimize themselves by means of fraudulent elections. Unfortunately, the existence of manipulative political leaders on countries was not confined to Africa, but could be found throughout the world, including Europe.

14. Autocratic and cleptocratic leaders such as former Presidents Marcos and Mobutu had used their positions to enrich themselves, their families and their ethnic or social group. In countries such as Colombia and Turkey, the military escaped effective democratic control, a situation which was often aggravated by emergency laws.

15. Mr. Fan had stressed the importance of the rule of law and of a legal system that reflected the will of the people and the requirements of social progress. Mr. Guissé had said that the domestic rule of law must be based on international principles, namely, universally recognized human rights. He wished to make the additional point that democracy must be inclusive, ensuring political participation by all permanent residents of the country concerned.

16. A continuous open and critical debate was necessary to ensure that leaders were qualified and did not succumb to corruption, mismanagement, favouritism or ethnic or religious fanaticism. But the open debate should not be allowed to degenerate into incitement to racial or ethnic hatred and should not be exploited by extremist groups for anti-humanitarian ends.

17. Unfortunately, there was frequently collusion between external interests and leaders who had a detrimental impact on the social and democratic development of their own society. Structural tensions were exacerbated by the existing international economic order and division of labour. A skewed process of globalization tended to increase inequality, particularly within countries, and to promote corruption for the benefit of particular economic interests. Some "conflict entrepreneurs" also used the idea of a clash of civilizations with its associated cultural and religious dimensions for their own ends. The great Powers and religious leaders could choose to build bridges, showing tolerance and engaging in constructive dialogue in the pursuit of an equitable social and international order, or they could opt for expansionism and confrontation, pursuing what they viewed as their own interests and maintaining inequality and conflict.

18. Selectivity in the area of human rights was a common failing in government policy and was felt most strongly when the State in question was a major Power. NGOs could play a constructive role in warning Governments against selectivity. As an instance of duality of approach, he contrasted the dismissive reaction of Henry Kissinger, former Secretary of State of the United States, to reports from his country's Ambassador to Chile of gross violations of human rights in that country in the 1970s and Mr. Kissinger's praise in his memoirs for the effective use of human rights issues against the former Soviet Union and Eastern Europe. However, parts of the United States public had subsequently reacted to their country's involvement with military regimes, calling for control of military aid and electing President Carter who had made human rights a core element of his foreign policy.

19. There was an ongoing conflict, however, in the United States and elsewhere, between the pursuit of self-centred national interests, using human rights as a tool, and development of a foreign policy that genuinely served the aims of human rights. When human rights were pursued unilaterally, they were often heavily influenced by national interests with the selective consequences noted by Mr. Khalifa.

20. The international community could not and should not abdicate its responsibility to assist in developing a rule of law based on international instruments. Contracting parties to international treaties, including first and foremost the Charter of the United Nations, were bound to fulfil their obligations, particularly with respect to human rights. If it functioned properly, the United Nations could develop a comprehensive and balanced approach to the global achievement of human rights, taking into account all the obstacles he had mentioned. When addressing situations of gross violations, it could help the society concerned to heal its wounds, to develop and sustain an impartial and pluralist regime and to prevent "conflict entrepreneurs", militant nationalists and religious fanatics from controlling the instruments of law and order.

21. In that context, he deeply deplored the financial starvation of the United Nations by Member States which refused to pay their dues. As a result, unilateral policies held sway and a few powerful States were able to impose their priorities. It was essential to preserve and develop the United Nations and ensure that unilateralism was subordinated to the common concerns of humankind.

22. Mr. FAN Guoxiang said that the universal acknowledgement by all countries and peoples of the importance of human rights should be emphasized despite the persistence of human rights violations throughout the world. It was important to draw attention to positive achievements instead of focusing on inadequacies. Progress stemmed from the application of universal human rights principles through the efforts of the people to the circumstances in countries with different cultural and social backgrounds. Local realities could not be ignored. When great Powers, invoking "international standards", attempted to transplant their human rights model to developing countries, ignoring their economic and social conditions, negative consequences were inevitable.

23. A country needed time to decide on whether to accede to a particular human rights treaty, taking into account the interests of its people and international experience. International human rights principles must be materialized through domestic jurisdiction.

24. What could be done to prevent the use of double standards in the appraisal of human rights situations and the degeneration of human rights into a political tool used by the strong to humiliate the weak? Some countries acted like knowledgeable professors lecturing to ignorant pupils. But they ignored the criteria they applied to others and persisted with their censures and sanctions regardless of their pupils' efforts. In his view, coercion served no purpose and merely led to confrontation. In a multipolar world, different approaches to the interpretation and application of human rights were normal. Dialogue was the most effective means of achieving international democracy and equality, and attempts to impose pressure were unproductive.

25. He advocated an open bilateral and multilateral dialogue between Governments, organizations and individuals with radically different and even opposed ideas as an alternative to discussions among the like-minded and behind-the-scene endeavours to put opponents in the dock. Instead of battling for and against the adoption of politically motivated resolutions directed against particular countries, it was important to reach a better understanding of each other through exchanges of views and experience. Valuable experience in the promotion of human rights had been acquired by many countries with diverse philosophies. Confrontation and accusations should be replaced by factual and conceptual briefings.

26. An attempt should be made to find common ground on such issues as the universality and specificity of human rights; the status and scope of human rights in the modern world compared with previous historical periods; the ties between economic, social and cultural rights and civil and political rights; the development of human rights concepts and practices in different countries and regions and the problems encountered; the impact of historical background and cultural heritage on human rights; the relationship between human rights and the maintenance of international peace and security on the one hand and cooperation for economic development on the other; the relationship between individual freedom and the well-being of the community and between rights and duties. The purpose of dialogue should not be to secure instant results through a voting procedure. It was a long and difficult process but would certainly produce worthwhile results.

27. A reasonable attitude should be adopted to differences of opinion. Their origin, scope and immediate and long-term causes should be explored in an atmosphere of mutual respect. Different assessments of human rights per se and their possible political implications should be examined carefully. Any progress, even partial or temporary, towards the resolution of existing differences was to be welcomed.

28. Ms. BARRIENTOS (International Federation of Action by Christians for the Abolition of Torture) expressed concern at increasing militarization in parts of Mexico inhabited by indigenous communities. In the State of Chiapas, the military presence had led to widespread prostitution, alcoholism, drug abuse, AIDS and water and soil pollution. Reports of human rights violations by the

military were on the increase, especially in the indigenous regions of Guerrero and Oaxaca. On the pretext of combating the guerrilla movement and fighting drugs, the army had subjected members of peasant organizations and opposition political parties to threats, arbitrary detention and torture.

29. Paramilitary groups were used in the "dirty war" strategy. Acting with the active or passive complicity of the authorities, they murdered, tortured and kidnapped their victims and expelled them from their homes.

30. The Public Prosecutor's Office and members of the judiciary were used as instruments in the campaign against those who opposed the regime. Indigenous peoples were denied the right to a fair trial through the lack of court interpreters, transport difficulties, corruption and racist attitudes.

31. The United Nations Committee against Torture had concluded that torture was systematically used in Mexico both by the judicial police and by the army (CAT/C/XVIII/CRP.1/Add.4). Human rights defenders were threatened, kidnapped and tortured. The perpetrators of human rights violations enjoyed impunity. It was regrettable that the Mexican Government had refused a joint visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture of the Commission on Human Rights.

32. She requested the Sub-Commission to urge the Mexican Government to agree to a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions as soon as possible, and to recommend that a special rapporteur or independent expert on Mexico should be appointed by the Commission on Human Rights.

33. As Peru had failed to include a specific crime of torture in its legislation, as required by article 4 of the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, torturers were virtually immune from punishment. The National Human Rights Coordinator of Peru had reported that torture was even more widespread in the emergency areas. Eight of the victims in one incident were juveniles. The Legal Defence Institute reported that 77 per cent of 1,250 prisoners accused of subversive activities had been tortured during the investigation. In the case of women, torture included rape.

34. Her organization requested the Chairman to call on the Government of Peru to eradicate such practices and to give the International Committee of the Red Cross (ICRC) access to Peruvian prisons.

35. Ms. McCONNELL (North-South XXI) said she was deeply concerned about the continuing violations of international humanitarian law in the armed conflict in Sri Lanka and the genocidal proportions of the current offensive in the Tamil homeland in the north and east of the country. Eighty thousand Tamil civilians had been killed and 700,000 displaced. In April 1997 Amnesty International had reported 600 disappearances in army-controlled territory. The food and medicine embargo imposed on the displaced persons by the Sri Lankan Government was resulting in starvation and severe illness. The Ministry of Defence had refused to consider appeals for food supplies from the local authorities and ICRC had been denied permission to transport food,

medicine and essential goods to those areas. The Government's attitude had been condemned by many international organizations, including the Office of the United Nations High Commissioner for Refugees (UNHCR).

36. Aerial bombardment regularly killed and wounded members of the civilian population. Between August 1994 and March 1997, 1,330 Tamil civilians had been killed. Inquiries instituted by the Government were mere eyewash and impunity was the general rule. The media were denied free access to the north and tight press censorship was imposed.

37. In a joint statement to the Commission on Human Rights at its fifty-third session, 53 NGOs had urged the adoption of a resolution calling on the Government of Sri Lanka to cease all military operations against the Tamil civilian population, to withdraw its occupying forces from the Tamil homeland, to lift the economic blockade of the north and east and to admit humanitarian aid. They had also called on both parties to the conflict to negotiate a political solution to the conflict which recognized the right of the Tamil people to determine their political status and the need to ensure full human rights for everybody in Sri Lanka.

38. Mr. ZAFFAR (World Muslim Congress), said that the 700,000 Indian military and paramilitary forces occupying Jammu and Kashmir were responsible for gross and consistent violations of human rights. They had been given broad powers of arrest, detention and interrogation. A fact-finding team of Indian human rights activists, who were impartial observers, had found that the civilian Government installed following a farcical election continued to allow the army a free rein, as in the past, and State policy was determined by the two generals in command of the Jammu and Kashmir regions. There were many allegations of abduction, molestation and rape by the security forces. Some people killed in what the army termed "crossfire" had actually been killed in custody. The severe torture routinely inflicted by the armed forces invariably resulted in disablement or death. Terror had been created by the policy of arming and protecting private gangs. Particular fear had been aroused by the secret illegal army being operated by the Indian Government in Jammu and Kashmir, which had been responsible for summary executions, torture and illegal detention.

39. Mr. Ghulam Muhammad Bhat, who had documented human rights atrocities by the Indian forces, had been detained and his life was in danger. The Sub-Commission should urge the Indian Government to ensure his safety. The world had accepted the perpetuation of fascist colonial rule in Jammu and Kashmir, abdicating morality for reasons of expediency. It had remained silent over communal cleansing because India was a large market. Kashmiris welcomed the initiation of dialogue between India and Pakistan, but no agreement between the two countries could be lasting unless it reflected the freely expressed wishes of the people of Jammu and Kashmir. He urged the Sub-Commission to see through the "civilian" garb worn by the Chief Minister in order to camouflage the Indian military presence in his country. The Sub-Commission should send a fact-finding mission to the area.

40. Ms. DOLMA (Worldview International Foundation) said that the Chinese Government had recently tightened its repression of Tibet through the use of brutal tactics. Religious and local leaders had been tortured and killed.

More than 6,000 Buddhist monasteries had been destroyed and their contents smashed or stolen. Chinese policy was to annihilate Tibetan culture and religion, but in such a way as to make it seem a natural process. The systematic destruction of the environment was also intensifying. China had transformed a peaceful country into a vast military area, deeply affecting the geopolitical balance of the whole region. Recent estimates put the number of Chinese soldiers at between 300,000 and 500,000; 200,000 soldiers were permanently stationed in central Tibet. There were 17 secret radar stations, 14 military airports and 5 missile bases, containing at least 8 intercontinental ballistic missiles, 70 medium-range missile launch pads and 20 intermediate-range missile launch pads, with nuclear warheads threatening Myanmar, Cambodia, Viet Nam and the main residential centres of India. China also used Tibet for chemical weapons experiments and provided areas in which other countries, paying high rates, could dump dangerous substances and toxic and radioactive waste.

41. Women in Tibet suffered both racial and sexual discrimination. Following the influx of millions of Chinese immigrants, they had become second-class citizens, without access to education or employment. In 1992, on the pretext of improving the "genetic quality of the Tibetan population", the Chinese Government had decided to extend to Tibet the measures already in force in China limiting the number of births. That amounted to genocide, since the situation in Tibet was quite different from that in China. Infant mortality was high in Tibet and life expectancy low. There was a constant risk of women falling foul of rules of which they were ignorant. In any case, any pregnancy without official sanction was illegal and had to be terminated. A child illegally born had no access to any benefits, lacking the necessary papers. Abortion or sterilization were increasingly forced on Tibetan women.

42. Human rights violations in Tibet, with the specific purpose of preventing the Tibetan people from asserting and preserving their identity, resulted from the application of institutionalized racial and cultural discrimination. The situation in Tibet should be placed on the agenda of the Sub-Commission if any improvement was to be achieved.

43. Ms. PINTAT (Inter-Parliamentary Union) said that the Union, believing that as guardians of human rights parliamentarians themselves should enjoy freedom of expression, had a committee that examined complaints from parliamentarians of human rights violations. The committee was currently considering cases from Burundi, Cambodia, Colombia, Gambia, Guatemala, Honduras, Indonesia, Myanmar, Nigeria, Togo, Tunisia and Turkey. She wished to draw attention particularly to four cases.

44. The ultimate violation of a parliamentarian's rights was the dissolution or suspension of a parliament or the rejection of election results. The Union had therefore condemned the suspension of the National Assembly of Burundi in June 1996. Although re-established in September 1996, it had lost some of its powers. The Union was also investigating the murder of four parliamentarians and the wounding of three others before the coup d'état in July 1996. Although the authorities in Burundi had declared war against impunity, there seemed to be no serious investigation of the crimes.

45. In Indonesia, Sri Bintang Pamungkas had been sentenced in May 1996 to nearly three years' imprisonment on the pretext of having insulted the President of Indonesia in a speech in Germany in April 1995. He had been deselected by his party and had therefore founded his own, which had not been recognized by the Government, on the grounds that by law only three political parties were allowed. It was a matter of concern that anyone criticizing that law was liable to prosecution. In March 1997, Sri Bintang had been arrested under the law against subversion because of his party's policy to dismiss the result of the 1997 elections, to oppose Mr. Suharto's re-election to the Presidency and to make preparations for the future. The Union's human rights committee considered that the publication of his party's programme came under the category of freedom of expression and hoped that the authorities would release him and drop the charges against him.

46. In Togo three parliamentarians had been murdered in 1992 and 1994, allegedly by members of the armed forces. For several years the authorities had stated that the matter was under investigation, but in June 1996 it had informed the Union that - contrary to its previous statements - the murders were covered by a general amnesty adopted in December 1994. That amounted to an admission that the murders were of a political nature. The Union noted, however, that the Government had undertaken to consider compensation for the families of the victims. No action had yet been taken.

47. Lastly, in Honduras Miguel Angel Pavón Salazar had been killed in 1988. An official enquiry had linked his murder with a statement he had made in October 1987 on disappearances to the Inter-American Court of Human Rights, but there the matter had rested. In July 1996 the case had been reopened, which the Union welcomed, but progress depended on cooperation from the police and the military, who should be compelled to conform to the rule of law. Those responsible should stand trial.

48. Mr. VITTORI (Pax Christi International) drew attention to two recent incidents that aroused great concern: the suicide bombings in West Jerusalem on 30 July 1997, a horrible act of terrorism deliberately aimed at civilians, leaving 15 dead and many wounded, and the decree of 1 August 1997 under which the Government of Israel had sealed the border with Gaza and the West Bank. Its action had been unprecedentedly drastic. Access to medical care had been blocked for more than 500 rural communities. Programmes of vaccination and rehabilitation had been affected, medicines were unobtainable and patients whose lives depended on urgent or regular treatment were under sentence of death. Children, the seriously ill, pregnant women and old people were the victims of what looked more like reprisals and collective punishment than constraints related to the legitimate security of Israel. He was confident that the Sub-Commission would wish to consider both matters under the emergency procedure and would express its strong view that Israel should call a halt to its action. Pax Christi believed that the peace process, leading to the creation of a sovereign Palestinian State, should continue. The war against terrorism could be won only if Israel stopped building new settlements in Jerusalem and the occupied territories and refrained from humiliating provocations. It should act quickly when extremists displayed the Prophet of Islam with a pig's head or when an Israeli newspaper showed the Virgin Mary with a cow's head.

49. Pax Christi had called for the withdrawal of Indonesian troops from East Timor ever since the invasion in December 1975. It had consistently protested at massacres carried out by the occupying forces (100,000 deaths up to 1990) and subsequent outrages, which had been denounced by the Bishop of Dili, the Nobel Peace Prize winner for 1996. At the 1997 session of the Commission on Human Rights pressure had been put on the Chairman to withdraw an invitation to another Nobel Prize winner, Mr. José Ramos Horta, to address the Commission. That incident, which had shocked many delegations, had been decisive in ensuring a very large majority vote for resolution 1997/63. Since then, however, President Mandela had, on a visit to Indonesia, spoken with the leader of the Timorese Resistance, Mr. Xanana Gusmao, and had requested the Government to free all political prisoners. He had also offered his mediation for a negotiated solution. Pax Christi applauded his actions and called on the Sub-Commission to give him all its support.

50. Human rights violations in Western Papua were of particular concern, since they were so little reported. For over 30 years Papuans had been marginalized and oppressed. They had been subject to arbitrary arrest, torture, disappearances and destruction of property. No action had yet been taken to identify those responsible or to prosecute them. His organization welcomed the improved situation in Bougainville. The Government of New Zealand was to be congratulated on its efforts to find a solution to the problem. It was to be hoped that the new Government in Papua New Guinea would make every effort to find a lasting solution.

51. Pax Christi had always opposed embargoes when they affected principally the most vulnerable sections of the population. That applied to those in Iraq, to the Tamil areas of Sri Lanka and to the Chiapas in Mexico. Even more dramatic over recent months had been the chaotic situation in what was then Zaire, which had suffered a total blockade, amounting to genocide, before which the United Nations had been completely powerless.

52. Lastly, his organization deplored the actions of the military, the police and paramilitary groups in various countries. The repression of landless peasants in Brazil, the persecution of Kurds and human rights defenders in Turkey and Iran and the harassment of members of the democratic opposition in Indonesia, Nigeria, Cameroon, Tunisia and Peru were of particular concern. Pax Christi was particularly alarmed at the murder on 19 May 1997 of Elsa Alvarado and Mario Calderon, ecologists and pacifists working for a Christian development NGO. The police had claimed that it was a case of mistaken identity, but there was reason to believe that the murderers belonged to a special police unit.

53. Ms. TANGGAHMA (Survival International) drew attention to human rights violations in West Papua, or Irian Jaya, currently the twenty-sixth province of Indonesia. The military was dominant and severely repressed the West Papuans' struggle for their land rights. The Amungme, Dani, Kamoro and Ekari people had suffered arbitrary arrest and detention, torture, disappearances and the destruction of property. Discrimination was practised by multinationals operating in West Papua: for example, the Freeport MacMoran-RTZ mine employed only 1,500 West Papuans out of a total of 15,000 staff. Within Government institutions local people held subordinate positions and their plight was worsened by the arrival every year of thousands

of Indonesian immigrants to West Papua. Any resistance on the part of the West Papuans resulted in a violent military response. Sexual violence was rife near military bases. Girls as young as 11 had been raped. The local apparatus knew of such abuses, but took no action. Innocent civilians who lived in areas of guerilla struggle were harassed by the Indonesian army, which made no distinction between civilians and fighters. Her organization urged the Sub-Commission to examine the human rights abuses in West Papua and to adopt a resolution that might improve the situation there and in other parts of the world where the military abused the human rights of innocent civilians.

54. Mr. HALEPOTA (Liberation) said that, in spite of a greater awareness of human rights by Governments, individuals continued to suffer for their beliefs. The hanging of Ken Saro-Wiwa and eight other activists in Nigeria had not been forgotten. The fate of the 19 other activists remained uncertain. Saving life should be the top priority of the international community.

55. Liberation was also extremely concerned at the increasing violence in Palestine resulting in unnecessary loss of life. The whole region was on the verge of another catastrophe and he urged all parties to show restraint. Peace was the only option and must be given another chance.

56. Widespread violations of civil, political, economic, social and cultural rights in Pakistan were documented in the report of the Special Rapporteur on the question of torture (E/CN.4/1997/7/Add.2) and in recent reports by Amnesty International and Human Rights International. In Sindh province, one of the world's oldest civilizations was under threat of extinction by terrorism, deliberate cultural dilution, settlement of outsiders, persecution and gross violations of human rights by the police and military. The immigrant population had further damaged the indigenous Sindhi culture by bringing in heroin and illegal weapons. More than 270 people had been killed in Karachi following the unconditional release of many criminals by the minority Government, and fundamental freedoms had been further undermined by the imposition of emergency rule. Peace and stability in the region could not be ensured unless those violations were halted and the national rights of the Sindhi people, including the right to self-determination, were restored. Liberation called for a United Nations fact-finding mission to be dispatched to Sindh, and appealed to the international community to support the struggle against the occupation and colonization of Sindh and the massacre of its people.

57. Mr. NASIM (International Islamic Federation of Student Organizations) said that the people of Indian-held Jammu and Kashmir continued to be deprived of even the most basic human rights by the occupying Indian forces, who enjoyed unbridled power under the Armed Forces (Special Powers) Act. Arbitrary arrest and detention, torture, extrajudicial killings, rape, arson, disappearances and the destruction of cultural artefacts and all means of sustenance of the Kashmiri population were commonplace, and the mercenaries and gangs of paid criminals who terrorized the populace enjoyed the active support of the Indian army. In seven years, nearly 50,000 people had died as a result of the State terrorism unleashed by more than half a million law

enforcement officials of the Government of India. Yet not a single one of those officials had received punishment proportionate to the crimes committed. Impunity reigned supreme in Kashmir.

58. The much-vaunted National Human Rights Commission of India and the Human Rights Commission for Jammu and Kashmir were merely an attempt to deceive world opinion, for according to a detailed analysis done by the Institute of Kashmir Studies, Srinagar, the army and other security agencies, which were responsible for most of the abuses, had been excluded from the two Commissions' purview. In its 1997 report, Human Rights Asia pointed out that the National Human Rights Commission of India was seldom willing to insist on impartial investigation of allegations of abuse submitted by independent human rights groups. The Sub-Commission must respond to the Kashmiri people's cry for help. India must be told that it could not continue its reign of terror.

59. Mrs. ASSAAD (International PEN) said that her organization had for many years been deeply concerned about the large number of writers and journalists detained in Turkey in violation of their right to freedom of expression. There were currently 74 cases of detained writers and journalists on its records, with many more on trial who, if convicted, faced imprisonment. The Turkish Government thus failed to comply with its commitments under article 19 of the Universal Declaration of Human Rights and article 10 of the European Convention on Human Rights.

60. Accordingly, International PEN welcomed the statement made by the Prime Minister of Turkey on 14 July 1997 to an international delegation of journalists led by the Committee to Protect Journalists, in which he had promised that his Government would initiate reforms aimed at reducing the scope of legislation that could be applied against writers and journalists. Encouraged by that statement, International PEN strongly urged the Turkish Government to follow through that initiative as a matter of urgency, and further requested the abrogation of any Turkish law enabling writers and journalists to be detained solely for exercising their right to freedom of expression. It further urged that all cases of writers and journalists detained in Turkey should be reviewed and that those held in violation of their right to freedom of expression should be unconditionally released. Similarly, all pending prosecutions of writers and journalists charged in connection with their writings should be reviewed, with a view to halting proceedings against them.

61. Ms. GRAF (International League for the Rights and Liberation of Peoples - LIDLIP) said that since the proclamation of the "Constitutional Declaration" by parliamentarians of Kosovo seven years previously, whereby Kosovo was declared to be an independent entity on an equal footing with the other constituent units of the then Socialist Federal Republic of Yugoslavia, little seemed to have changed: human rights violations continued daily, the media were effectively gagged, and the Serbian regime continued to maintain a state of emergency. The figure of 2,122 cases of human rights violations recorded by the Council for the Defence of Human Rights and Freedoms for the first half of 1997 was certainly an underestimate, as victims often failed to report violations for fear of further reprisals. Faced with such persecution, the people of Kosovo were driven to seek asylum, and it was most regrettable that receiving Governments tried to compel them to return while the reasons

for their exile persisted. LIDLIP called on all interested parties to support the rights of the people of Kosovo, and on Governments to protect those seeking political asylum from the arbitrary occupying regime of Serbia.

62. The plight of the Tamils in the north and east of Sri Lanka was fast deteriorating owing to the ongoing war and the Government's ban on essential supplies. Many refugees were driven to return to areas occupied by the military; more than half a million were stranded in the Eastern Province, and a further half-million were braving the elements in malaria-infested jungles. The recent renaming of a Tamil town in honour of a Sinhala king clearly demonstrated that the war was one of domination over the Tamil people. The international community must call for the withdrawal of the Sri Lankan armed forces occupying Jaffna and a halt to their military onslaught on the Tamil people, thereby paving the way for negotiations between the two parties to the conflict. LIDLIP accordingly urged the Sub-Commission to take action in that regard.

63. LIDLIP also welcomed the Secretary-General's efforts to find a solution to the question of Western Sahara by appointing James A. Baker III as his Personal Envoy to visit the territory. It was to be hoped that direct talks between the parties would achieve progress and would enable the United Nations Mission for the Referendum in Western Sahara (MINURSO) to resume and complete the process of identifying voters, so that a people racked by 22 years of conflict could finally resume normal and peaceful life.

64. Ms. HAENNI (Association for the Prevention of Torture) said that her organization had long been concerned at the human rights situation in Turkey in general and at the use of torture in particular, as well as at violations of international humanitarian law in the south-east of the country. Despite visits by United Nations and Council of Europe human rights protection mechanisms, little had improved. In a public statement made on 6 December 1996, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had denounced the systematic infliction of torture by Turkish police on detainees accused of terrorism and also on ordinary criminal suspects. Her organization thus invited the Sub-Commission to urge Turkey to comply with the international standards it had undertaken to uphold, including protection of persons deprived of their liberty. It acknowledged that some efforts had been made, such as shortening the period during which a person could legally be held incommunicado. Those efforts, however, were not enough. The Sub-Commission must encourage the Turkish authorities to punish the authors of human rights violations and to mete out sanctions corresponding to the seriousness of the crimes committed. It should also urge the Turkish authorities to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Turkey, and to submit Turkey's overdue report to the Committee against Torture.

65. More should be done to protect and promote the work of human rights defenders, many of whom had been subjected to harassment or had their premises closed down. The Turkish Government should be encouraged to allow human rights defenders to do their work in a manner that befitted a democratic society.

66. Lastly, the Sub-Commission should encourage the Centre for Human Rights to offer technical cooperation to Turkey with a view to preventing ill-treatment, for example, through the training of police forces.

67. Ms. OLSTHOOM (Minority Rights Group) said that, although transition as such could be a positive phenomenon, minority groups were especially vulnerable during periods of change. One region highlighted in a recent Minority Rights Group report was Central Asia, where inter-ethnic relations that had been characterized by tolerance and stability during the Soviet epoch had come under pressure since the five former Soviet Republics had attained independence in 1991. The newly independent States' attempts at nation-building had threatened the rights and status of non-titular groups such as Slavs, ethnic communities from neighbouring States and persons deported from other Soviet Republics between 1936 and 1952. Her organization thus called upon those States to ensure that recognition of the identity of the different communities did not lead to discrimination against non-titular groups.

68. Eritrea and Guatemala were further examples of countries requiring special attention and support in a transitional period following the end of long conflicts. Eritrea had achieved independence after 30 years of war and exceptional suffering. The new Government had taken steps to establish an inclusive society that respected the different communities' human and minority rights. However, large numbers of refugees awaiting repatriation were still caught in limbo, and a lack of adequate funding, concerns about the effects of mass repatriation, mistrust, frustration and intransigence had all conspired to cause a breakdown in relations between the Eritrean Government and the international community. Cooperation and dialogue between the two must be resumed, and financial support should be sought.

69. After 36 years of internal conflict Guatemala was now seeking to transform itself into a peaceful and stable society. Although an Agreement signed in March 1995 appeared to mark a commitment to protection of the rights of the Mayan people, no indigenous representatives had been directly involved in the negotiations determining its final form, and the constitutional reforms and legislative amendments contained therein still awaited adoption. The road ahead was thus a long one, and international attention was essential to ensure that the various peace agreements lived up to their potential.

70. Mr. LEHMANN (Centre Europe - Tiers Monde) said that, despite the reiterated promises of the Turkish authorities, massive and systematic violations of human rights and implacable repression of the Kurdish people continued unabated. That was nothing new: ever since the establishment of the Republic of Turkey in 1923, the identity of the Kurdish people had been denied and its fundamental rights flouted. A decree of 3 March 1924 had prohibited the use of the Kurdish language in spoken or written form. Various revolts between 1925 and 1939 had been bloodily suppressed, Turkish Kurdistan had remained in a permanent state of emergency until 1950, and foreigners had been excluded from the region until 1965. The Kurdish provinces were now once again governed under emergency powers, 3,000 villages had been destroyed, at least 4 million Kurds had been deported, and tens of thousands had been killed or injured since 1984.

71. As always, any expression of the fundamental rights of the Kurdish people was forbidden. Mr. Ismail Besikçi, an eminent Turkish sociologist and expert on the Kurdish question, had recently been sentenced to more than 70 years in prison for publishing the results of his research into the

Kurds' identity, culture and situation in Turkey. The claim by the Turkish parliamentarian Coskun Kirca, reported in the Turkish press in March 1994, that the only right enjoyed by Kurds in Turkey was the right to silence, echoed the words of Mahmut Esat Bozkurt, a former Minister of Education, who in 1930 had declared that Turks were the sole masters in Turkey and that those who were not of pure Turkish origin enjoyed only the right to be slaves (Milliyet, 26 September 1930). The statements clearly revealed the nature of the "progress" made by the Turkish authorities since the foundation of their Republic. It seemed that the Kurds, like the Armenians and Assyrians before them, must be exterminated in order for the United Nations finally to take a serious interest in the situation of human rights in Turkey.

72. Having regard to paragraph 5 (b) of Commission on Human Rights resolution 1997/22, to the fact that the situation of human rights in Turkey was "particularly grave" and was not currently "under consideration in the public procedures of the Commission", and to the urgent need for the international community to request the Turkish authorities to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions, the representative of the Secretary-General on internally displaced persons, the Working Group on enforced or involuntary disappearances and the Special Rapporteur on the independence of judges and lawyers to visit Turkey, his organization believed that it was imperative to adopt a resolution on the situation of human rights in Turkey and, in particular, on the fate of the Kurdish people.

The meeting rose at 1 p.m.